

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

GAYLORD STEVENS,

Plaintiff,

v.

Case No. CIV-16-531-RAW

**MUSKOGEE, OKLAHOMA ANIMAL
CONTROL, et al.,**

Defendants.

ORDER

Before the court is the motion of defendants Christi Kennedy and Jack Sheen, Jr. to dismiss. Plaintiff, appearing *pro se*, alleges multiple claims pursuant to 42 U.S.C. §1983 against multiple defendants. Plaintiff was convicted in Texas state court for possession of child pornography, and those convictions were recently affirmed. *Stevens v. State*, 2017 WL 411382 (Tex.App. - Tyler 2017). Initially, plaintiff was arrested for cruelty to animals, and six horses that were determined to be in poor condition were moved “to another location for treatment.” *Id.* at *1.

The movants are state-court judges in Texas. The complaint alleges in Claim Twenty-Eight that Skeen unconstitutionally issued a search warrant as to plaintiff. The same allegation is made in Claim Thirty-Six as to a second search warrant issued by Kennedy. Movants seek dismissal based on judicial immunity. “Judges are generally immune from suits for money damages.” *Pledger v. Russell*, 2017 WL 3046004, *2 (10th Cir.2017). That immunity can be overcome for only two types of actions: (1) actions not taken in the judge’s

judicial capacity and (2) actions, though judicial in nature, taken in the complete absence of all jurisdiction. *Id.* Clearly, neither exception applies here. The motion is granted.

It is the order of the court that the motion to dismiss (#71) is hereby granted. Christi Kennedy and Jack Skeen, Jr. are dismissed as party defendants.

IT IS SO ORDERED this 18th day of AUGUST, 2017.

A handwritten signature in cursive script, reading "Ronald A. White".

RONALD A. WHITE
UNITED STATES DISTRICT JUDGE